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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4583 OF 2006

Indian Petrochemical Corporation
and anr. ... Petitioners

Versus

Grampanchayat Bense ... Respondent

Mr. Milind Sathe, Sr. Counsel with Mr. Mahesh Subramanian i/by M/s. A.S. Dayal & Associates for Petitioner.

Mr. Sanjiv A. Sawant for Respondent.

CORAM: F.I. REBELLO &
S.J. VAZIFDAR,JJ.
DATED: FEBRUARY 05, 2007

P.C.:

. Rule. Heard forthwith.

. The letter dated 29.4.2006 can be considered as an application as required to be made under Rule 3 of the Village Panchayat Act, 1961. The application is made within time fixed under the rules. That application has not been decided. The respondent instead of deciding the said application have made demand on the Petitioners in the matter of house tax. The contention of the Petitioner is that once they have made an application and that application is within time the respondents are bound to dispose it off according to law.

. We find that there is much substance in the argument of the Petitioner. Once there be an application, the respondents are duty bound by virtue of rules to dispose of the same. In the light of that respondents are directed to dispose of the Petitioners application within four weeks from today. In the meantime, not to take any steps for recovery. If the Petitioners have already made payment, corresponding to the tax as demanded and if the Petitioner’s application i s allowed then the entire amount paid, if any to be refunded.

. Rule made absolute accordingly. No order as to costs.

(S.J. VAZIFDAR,J.) **(F.I.REBELLO,J.)**